

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of M.M., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

HERMAN MCCONNELL, JR.,

Respondent-Appellant,

and

DEBBIE KESTER,

Respondent.

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UNPUBLISHED

March 13, 2003

No. 243269

Sanilac Circuit Court

Family Division

LC No. 98-033347-NA

Before: Hoekstra, P.J., and Smolenski and Fort Hood, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(g), (i), (j), and (n). We affirm.

The evidence established that respondent-appellant lived with the child and the child's mother, Kester, until the child was approximately six months old. After that, respondent-appellant only saw the child approximately three times. In addition, the evidence established that respondent-appellant took part in the initial proceedings in this matter, including participating in mediation and agreeing to participate in a psychological evaluation. However, respondent-appellant then failed to appear for any court hearings, failed to complete the psychological evaluation, and did not contact the foster care worker for over a year. In addition, respondent-appellant was incarcerated at the time of the termination hearing for committing second-degree criminal sexual conduct against a four-year-old child. He would not be eligible for parole for at least another year.

Respondent-appellant does not challenge the trial court's findings with respect to the statutory grounds. In any event, we find the trial court did not clearly err in finding that § 19b(3)(g), (j), and (n) were established by clear and convincing evidence. MCR 5.974(I); *In re*

*Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, *supra* at 356-357. Thus, the trial court did not err in terminating respondent's parental rights to the child.

Respondent-appellant raises four issues, none of which justify reversal and three of which are unpreserved. First, he claims the trial court appointed counsel too late to afford him a fair hearing, apparently alleging ineffective assistance of counsel. Respondent-appellant did not raise this issue below and there is no plain error on this record. *People v Carines*, 460 Mich 750, 763, 774; 597 NW2d 130 (1999). Respondent-appellant fails to identify any alleged errors by counsel or explain how additional time to prepare the case would have affected counsel's performance.

Respondent-appellant also argues he was denied his right to a fair hearing because he was not physically present at the termination hearing due to his incarceration. Respondent-appellant has abandoned this issue by failing to cite authority in support of his argument. *In re Powers*, 208 Mich App 582, 588; 528 NW2d 799 (1995). In any event, the trial court appropriately applied the standards set forth in *In re Vasquez*, 199 Mich App 44, 49-50; 501 NW2d 231 (1993), in addressing this issue. Respondent-appellant was represented by counsel at the hearing and testified via telephone.

Third, respondent-appellant claims the trial court should not have considered his inaction during the time another man was the child's legal father, yet fails to explain why the legal father's status is relevant to his lack of action in regards to the child. Fourth, he argues petitioner-appellee failed to consider placing the child with his relatives, but cites no case law in support of his position. Therefore, respondent-appellant has abandoned review of these issues. *Mudge v Macomb Co*, 458 Mich 98, 105; 580 NW2d 845 (1998). Lastly, respondent-appellant contends that petitioner-appellee misrepresented his options; however, his statements do not constitute an argument. Regardless, we find respondent-appellant's factual statements inaccurate and conclude that there is no plain error on this record. *Carines*, *supra* at 763.

Affirmed.

/s/ Joel P. Hoekstra  
/s/ Michael R. Smolenski  
/s/ Karen M. Fort Hood